REMARKS/ARGUMENTS

The office action of May 13, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-6, 8-11, 14-22, 25 and 26 remain in this application. Claims 7, 12, 13, 23, 24, and 27-30 are canceled.

Applicant confirms the election of Group III wherein A is phenyl and NR_1R_2 form a piperizinyl. The claims have been amended to delete non-elected subject matter.

Abstract

A new abstract has been presented.

Rejection of the Claims

Claims 1-11, 13-24, and 26-30 stand rejected as the specification is not enabling for the terms solvate or hydrate of formula I. Dictionary definitions of the term are consistent, the common meaning being a compound formed by solvation (i.e. the combination of solvent molecules with molecules or ions of the solute), which has a stoichiometric ratio of solute molecules to solvent molecules. When the solvent is water, the solvate is commonly referred to as a "hydrate".

Every medicinal chemist knows that in the case of a given solvate and a given compound, the process for making a solvate, if it exists for that combination, is routine and straightforward. One simply dissolves as much as possible of the given compound in a quantity of hot solvent, and either then cools or adds a counter-solvent to cause precipitation of solids. Those solids are dried and either constitutes a solvate (i.e. a compound incorporating a consistent stoichiometric ratio of solvent to compound) or not. That is, the method just summarized will yield a solvate if one or more exists. Furthermore, depending on the temperature and/or method of crystallization, more than one solvate may be obtained, i.e. solvates with different ratios of compound to solvent molecules.

The solvate can be identified by, for example X-ray powder diffraction, differential scanning calorimetry and NMR methods. All of these steps are very routine practices to one skilled in the art. Hence, one skilled in the art reading this application knows how to prepare a solvate, if one exists, in any given case. It is not undue experimentation because the processes and test methods are common knowledge and routine.

Since one skilled in the art knows how to determine whether a solvate exists, there is no basis for a non-enablement rejection. That is, the steps to determine whether a solvate exists and obtain a solvate was so well known and routine at the time the application was filed, applicant did not believe it was necessary to include such well known and routine steps. Withdrawal of this rejection is requested.

Claims 24 and 26-27 stand rejected under 35 USC 112, first paragraph. The Office Action indicated that the specification was enabling for arthritis and osteoarthritis. Although applicant does not acquiesce to the position that other diseases are not enabled, to advance prosecution, claim 24 has been amended to recite arthritis and claim 26 has been amended to recite particular types of arthritis. Withdrawal of this rejection is requested.

Claims 1-11, 13-24, and 26-30 stand rejected as indefinite. Claim 23 is canceled. In regard to "optionally substituted" the specification provides guidance as to what is meant by "substituted" in paragraph [0020] of the publication. The Examples further provide description of possible substituents. Moreover, the possible substituents are identified in the claims themselves. The claims are not indefinite as one skilled in the art can clearly identify each of the possible substituents. Withdrawal of this rejection is requested.

Claims 28-30 stand rejected as being incomplete. These claims are canceled and hence the rejection is moot.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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